



## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2011-0860]

#### **The 13 Carcinogens Standards; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning the proposal to obtain the Office of Management and Budget's (OMB) approval for the information collection requirements contained in the 13 Carcinogens Standard.

**DATES:** Comments must be submitted (postmarked, sent or received) by [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

#### **ADDRESSES:**

*Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350, (TTY (877) 889-5627) for assistance in locating docket submissions.

*Instructions:* All submissions must include the agency name and the OSHA docket number for this *Federal Register* notice (OSHA-2011-0860). OSHA will place

comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. For further information on submitting comments, see the “Public Participation” heading in the section of this notice titled **“SUPPLEMENTARY INFORMATION.”**

**FOR FURTHER INFORMATION CONTACT:** Seleda Perryman or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693-2222.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the correct format, reporting burden (time and costs) is minimal, collection instruments are clearly understandable, and OSHA's estimate of the information collection burden is correct. The OSH Act (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The information collection requirements specified in the 13 Carcinogens Standard (29 CFR 1920.1003, 1915.1003, and 1926.1103) protect workers from the adverse health

effects that may result from their exposure to the specified carcinogens. The following is a brief description of the collection of information requirements contained in the 13 Carcinogens Standard: establishing and implementing a medical surveillance program for workers assigned to enter regulated areas; informing workers of their medical examination results; and providing workers with access to their medical records. Further, employers must retain worker medical records for specified time periods and make them available upon request to OSHA and NIOSH.

## **II. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply. For example, by using automated or other technological information collection and transmission techniques.

## **III. Proposed Actions**

OSHA is requesting an adjustment increase of 105.34 hours (from 1,504 hours to 1,609.34 hours). The increase is a result of a slight growth in the number of establishments affected by the Standard from 101 to 104 establishments. This results in an increase in the number of workers receiving medical examinations, from 695 to 716. The agency is also requesting an adjustment cost increase of \$191,794, which is the result of an increase in the cost of medical examinations from \$166 to \$429. The cost of the physical exam is \$ 180 and the hospital fee for out-of-network /uninsured patient is \$249. This explains the 61% increase in cost of the medical cost.

*Type of Review:* Extension of a currently approved collection.

<i>Title:</i>	The 13 Carcinogens Standard (29 CFR 1910.1003, 1915.1003, and 1926.1103).
<i>OMB Control Number:</i>	1218-0085.
<i>Affected Public:</i>	Businesses or other for-profits.
<i>Frequency of Responses:</i>	On occasion, annually.
<i>Average Time Per Response:</i>	Time per response ranges from approximately 5 minutes (for employers to maintain records) to 2 hours (for worker medical surveillance).
<i>Number of Respondents:</i>	1,640.
<i>Total Responses:</i>	1,640.
<i>Burden Hours:</i>	1,609.34.
<i>Estimated Cost (Operation and Maintenance):</i>	\$307,164.

#### **IV. Public Participation - Submission of Comments on this Notice and Internet**

##### **Access to Comments and Submissions**

You may submit comments in response to this document as follows: (1) electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other materials must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA-2011-0860). You may supplement electronic submissions by uploading document files electronically. **Please note:** While OSHA's Docket Office is continuing to accept and process submissions by regular mail, due to the COVID-19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the docket by hand, express mail, messenger, and courier service. If you wish to mail

additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled “ADDRESSES”). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments.

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publically available to read or download from this website.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> website to submit comments and access the docket is available at the website’s “User Tips” link. Contact the OSHA Docket Office for Information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

## **V. Authority and Signature**

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor’s Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on December 8, 2021.

**Douglas L. Parker,**  
*Assistant Secretary of Labor for Occupational Safety and Health.*

